

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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SHEZ JACKSON,

Plaintiff,

- against -

STERLING METS, L.P. ET AL.

Defendant.
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ORDER GOVERNING INITIAL
CONFERENCE AND NOTICE OF
MANDATORY PARTICIPATION
IN ELECTRONIC CASE FILING

04-CV-5407 (SJF) (KAM)

An initial conference will be held in the above-captioned case on April 19, 2005 at 10:00 a.m. before Kiyo A. Matsumoto, United States Magistrate Judge, at the United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York. All counsel (and any *pro se* parties) must be present. The parties should check-in with Chambers at Room 208 in advance of the conference and may be directed to a Courtroom. **Counsel for plaintiff(s) is responsible for confirming with each defendant's counsel (or *pro se* defendant) that the necessary participants are aware of this conference.**

Plaintiff shall effect service of process in accordance with Rule 4 of the Federal Rules of Civil Procedure and promptly file the returns of service with the Clerk. In the event an answer has not yet been filed at the time this Order is received, plaintiff's counsel shall notify defendant's counsel (or *pro se* defendant) of this conference as soon as an answer is filed. Plaintiff's counsel is to notify the undersigned, in writing, at least three business days before the scheduled conference if an answer still has not been filed. If not every defendant named in the complaint has appeared and counsel believes that the initial conference would not be productive without participation of any such defendant, plaintiff's counsel should promptly submit a written request for an adjournment, at least forty eight (48) hours before the scheduled conference, explaining the reasons for adjournment and the status of service and joinder, and serve a copy on all

defendants.

No request for adjournment will be considered unless made **in writing** at least forty-eight (48) hours before the scheduled conference and only after the parties have consulted with each other and have agreed on several alternative dates. The party seeking the adjournment may transmit the adjournment request to chambers by facsimile at (718) 797-7386, and shall also file the adjournment request by Electronic Case Filing (ECF), explained below.

AT LEAST TWO BUSINESS DAYS PRIOR TO THE INITIAL CONFERENCE, THE PARTIES SHALL DISCUSS THE MATTERS SPECIFIED IN FED. R. CIV. P. 26(f) AND COMPLETE THE ATTACHED QUESTIONNAIRE. No written report or discovery plan specified by Rule 26(f) need be filed with the Court, but the completed questionnaire must be brought to the conference. At least two business days prior to the Rule 26(f) discussion between the parties, the parties shall exchange the mandatory initial disclosures required by Rule 26(a)(1). If plaintiff(s) seek(s) damages for personal injuries allegedly caused by defendant(s), plaintiff(s) must provide signed authorizations for release of all pertinent records from medical service providers.

At the initial conference, counsel must be fully prepared to discuss any issue regarding this case, including personal and subject matter jurisdiction, venue, schedules for pretrial matters, potential discovery disputes, insurance coverage and settlement. If this case is referred to Court-Annexed Arbitration before the conference, the parties may request in writing either to cancel the initial conference or to attend the conference by telephone, provided they make the arrangements for a conference call.

By Administrative Order dated June 22, 2004, a copy of which is annexed hereto, beginning on August 2, 2004, ECF is mandatory for all civil cases, other than pro se cases, and for all criminal cases. There is no charge to participate. ECF enables both the court and litigants immediately to file, serve and receive documents electronically, including pleadings, motions, correspondence and orders. Any document filed via ECF is deemed served on all other parties required to participate via ECF and all counsel of record will receive a notice by e-mail of such

filing.

Requests by attorneys for an exemption to the mandatory ECF policy must be submitted to the undersigned Magistrate Judge within two weeks of the date of this Order, and must set forth good cause hardship reasons which state the specific technological or other reason why counsel is not able to participate in ECF. Before seeking a hardship exemption, attorneys are advised to participate in the training program or otherwise seek assistance from the Clerk's Office.

A user's manual is available through the Clerk's Office, or at the Court's website at <http://www.nyed.uscourts.gov>. If needed, free training can be arranged for attorneys and their staff at any of the Eastern District courthouses.

Counsel of record who do not seek a hardship exemption to ECF must register for ECF within two weeks of the date of this Order. For counsel's convenience, the registration form is attached. If there are other attorneys in the firm who will also be working on this case, such attorneys should promptly file a notice of appearance and register for ECF so that they may receive ECF notices.

The Clerk is directed to mail a copy of this Order to counsel for all parties (and *pro se* plaintiff or defendant)

SO ORDERED.

Dated: Brooklyn, New York
December 27, 2004

/s/
KIYO A. MATSUMOTO
UNITED STATES MAGISTRATE JUDGE
(718) 797-7380

The parties must observe the following:

Letter applications and motions to which opposing papers are anticipated must be submitted by ECF and also should be mailed and not faxed to Chambers. Faxed submissions should not also be mailed.

INITIAL CONFERENCE QUESTIONNAIRE

1. If not yet made, date for completion of automatic disclosures required by Rule 26(a) of the Fed.R.Civ.P.: _____ or
Proposed changes in timing, form or requirements for disclosure: _____
2. If additional interrogatories beyond the 25 permitted under the Rule 26 are needed, the total number by: plaintiff(s) _____ and defendant(s) _____
3. Maximum number of requests for admission by: plaintiff(s) _____ and defendant(s) _____
4. Number of depositions by plaintiff(s) of: parties _____ non-parties _____
5. Number of depositions by defendant(s) of: parties _____ non-parties _____
6. Maximum length of each deposition if longer than 7 hours _____ non-party _____
7. Date for completion of factual discovery: _____
8. Number of expert witnesses of plaintiff(s): _____ medical _____ non-medical
Date for expert report(s): _____
9. Number of expert witnesses of defendant(s): _____ medical _____ non-medical
Date for expert report(s): _____
10. Dates for completion of expert discovery: _____
11. Time for amendment of the pleadings by plaintiff(s) _____ or by defendant(s) _____
12. Number of proposed additional parties to be joined by plaintiff(s) _____ and defendant(s) _____ and time for completion of joinder: _____
13. Types of contemplated dispositive motions: _____
 - a. Dates for filing contemplated dispositive motions: _____

The parties are advised that they may consent to trial, including a jury trial, before a Magistrate Judge pursuant to 28 U.S.C. § 636(c). They should be prepared to advise the Court whether they consent upon the conclusion of discovery.

United States District Court for the Eastern District of New York

ECF

Registration Form - Page 1

(<http://www.nyed.uscourts.gov>)

[Please type]

Person Information:

<u>Last Name:</u>	<u>Generation</u> (i.e. Jr., Sr., II, III):
<u>First Name:</u>	<u>Middle Name:</u>
<u>Title</u> (i.e. attorney):	<u>Date of Birth:</u>
<u>Last Four Digits Of Your Social Security Number:</u>	
<u>Are you admitted to the bar of the EDNY and, if so, are you a member in good standing?</u>	
<div style="text-align: center;"> <input type="checkbox"/> Yes <input type="checkbox"/> No </div>	

Office Information:

<u>Office:</u>		
<u>Address 1:</u>		
<u>Address 2:</u>		
<u>Address 3:</u>		
<u>City:</u>	<u>State:</u>	<u>Zip Code:</u>
<u>County:</u>	<u>Country:</u>	<u>Telephone No: ()</u>

User Information:

<u>Law Firm's E'mail Address:</u>
<u>Individual's E'mail Address:</u>
<u>Telephone Number:</u> ()
<u>Fax:</u> ()

United States District Court
Eastern District of New York

ECF Registration - Page 2

By submitting this form the undersigned agrees to abide by the following rules:

1. This System is for those cases designated by the Court for electronic filing. Use the login and password the Court issues to electronically file documents. Use your firm's Pacer login and password to view docket sheets or to view electronically filed documents.
2. Documents must be submitted electronically only in Portable Document Format (PDF).
3. The combination of user identification and password will serve as the signature of the attorney / participant filing the documents. Individuals must protect the security of their passwords and immediately notify the Court if they suspect that their password has been compromised.

Applicant's Signature

Dated: _____

Return your completed form by mail, fax or e'mail to one (1) of the persons listed below:

Ms. Evelyn Levine
Training Specialist
225 Cadman Plaza East, Room 105
Brooklyn, New York 11201
Telephone No.: (718) 260-2312
Fax: (718) 260-2264
E'mail: Evelyn_Levine@nyed.uscourts.gov

Ms. Carol McMahon
Administrative Supervisor
United States Federal Courthouse
100 Federal Plaza
Central Islip, New York 11722-4438
Telephone No.: (631) 712-6031
Fax: (631) 712-6043
E'mail:
Carol McMahon@nyed.uscourts.gov

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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In Re: Electronic Case Filing

ADMINISTRATIVE ORDER
2004-08


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The Board of Judges of the Eastern District of New York, at a meeting held on June 22, 2004, resolved to complete the electronic case filing project begun in 1997.

Beginning on August 2, 2004, electronic case filing will be mandatory for all civil cases other than pro se cases and for all criminal cases.

Requests by attorneys for an exemption to the mandatory policy will be considered for good cause hardship reasons only, and will be reviewed on an individual basis by the assigned United States Magistrate Judge. The Clerk's Office provides an electronic filing training program to assist attorneys filing electronically. Before seeking a hardship exemption, attorneys are advised to participate in the training program or otherwise seek the assistance of the Clerk's Office.

SO ORDERED.

Dated: Brooklyn, New York
June 22 2004



Edward R. Korman
Chief Judge